

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and following remarks, is respectfully requested.

Claims 22-26 are pending in this application. By this amendment, Claims 22-26 have been amended; and Claim 27 has been canceled. It is respectfully submitted that no new matter has been added.

In the outstanding Office Action, Claims 22-27 were objected to as failing to comply with 37 C.F.R. § 1.75(a) for failing to particularly point out distinctly claimed subject matter which Applicant regards as the invention; Claims 22-27 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1, 3, and 5-8, respectively, of U.S. Patent No. 6,714,247; and Claim 27 was rejected under 35 U.S.C. § 102(e) as being anticipated by Camus (U.S. Patent No. 6,021,210).

Responsive to the objection to Claims 22-27 under 37 C.F.R. § 1.75(a), Claims 22-26 have been amended to clarify the language thereof. Claims 22-26 have been amended to now recite “picking up, using an image sensor,” and Claims 22 and 23 have been amended to now recite “passing using a filter”. It is respectfully submitted that these amendments to the claims clarify the language. Accordingly, it is respectfully requested that the objection to the claims be reconsidered and withdrawn.

Responsive to the rejection of Claims 22-27 on the ground of non-statutory obviousness-type double patenting, a Terminal Disclaimer has been filed disclaiming the terminal portion of the patent granted which would extend beyond the expiration date of Patent No. 6,714,247 B1. Accordingly, it is respectfully requested that the double patenting rejection be reconsidered and withdrawn.

Responsive to the rejection of Claim 27 under 35 U.S.C. § 102(e) as being anticipated by Camus, Claim 27 has been canceled.

Accordingly, it is respectfully requested that the objection and rejections of Claims 22-26 be reconsidered and withdrawn, and that Claims 22-26 be found allowable.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Michael L. Gellner  
Registration No. 27,256

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/07)